

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHRISTIAN DOSCHER,

Plaintiff,

v.

HIRERIGHT SOLUTIONS, INC.,

Defendant.

CASE NO. C12-5491 BHS

ORDER DENYING PLAINTIFF'S
MOTION TO STRIKE AND
MOTION FOR DEFAULT

This matter comes before the Court on Plaintiff Christian Doscher's ("Doscher") motion to strike (Dkt. 23) and motion for default (Dkt. 25). The Court has considered the pleadings filed in support of and in opposition to the motions and the remainder of the file and hereby denies the motions for the reasons stated herein.

On June 18, 2012, Doscher filed a complaint against Defendant Hireright Solutions, Inc. ("Hireright") for violation of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681, *et seq.* Dkt. 3.

On July 19, 2012, Hireright filed a motion for extension of time to answer the complaint. Dkt. 12. On July 27, 2012, Hireright answered (Dkt. 17) and filed a reply to its motion for an extension stating that the motion was now moot (Dkt. 19).

1 On August 16, 2012, Doscher filed a motion to strike the answer. Dkt. 23. On
2 August 17, 2012, Hireright responded arguing that Doscher improperly noted his motion.
3 Dkt. 24. A few hours later, Doscher filed a motion for default. Dkt. 25. Later that day,
4 the Clerk properly noted both of Doscher's motions. On August 23, 2012, Hireright
5 responded to the motion for default. Dkt. 28. On August 24, 2012, Doscher replied.
6 Dkt. 29. On August 27, 2012, Hireright responded to the motion to strike. Dkt. 30. On
7 August 30, 2012, Doscher replied. Dkt. 32.

8 In this case, both of Doscher's motions are based on the argument that Hireright
9 did not timely file an answer. *See* Dkts. 23 & 25. Hireright contends that it properly
10 requested an extension of time, answered before the Court could consider the request for
11 an extension, and, therefore, timely answered the complaint. The Court agrees.
12 Doscher's motions are without merit and fail to recognize the liberality afforded parties at
13 this procedural posture, especially if requests for extensions are made. Therefore, the
14 Court **DENIES** Doscher's motion to strike and motion for entry of default.

15 **IT IS SO ORDERED.**

16 Dated this 6th day of September, 2012.

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19 BENJAMIN H. SETTLE
20 United States District Judge
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